

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE CRUZ,
Plaintiff,
v.
LOPEZ M., et al.,
Defendants.

Case No.: 3:24-cv-00305-ART-CSD

ORDER

State prisoner Jose Cruz brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims to have suffered while incarcerated in the custody of the Nevada Department of Corrections. (ECF No. 1-1). But Plaintiff has neither paid the full \$405 filing fee nor filed a complete application to proceed *in forma pauperis*, one of which he must do to proceed with this civil action. (See ECF No. 1). Rather, Plaintiff filed only a financial certificate, and it is not on this Court's approved form. (See ECF No. 1-2). The Court disregards the financial certificate, and it will grant Plaintiff an extension of time to address the matter of the filing fee.

I. DISCUSSION

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis* status does not
3 relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate
4 can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 **II. CONCLUSION**

6 It is therefore ordered that Plaintiff has **until November 5, 2024**, to either pay the
7 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all
8 three required documents: (1) a completed application with the inmate's two signatures
9 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
10 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
11 previous six-month period.

12 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
13 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
14 refile the case with the Court, under a new case number, when he can file a complete
15 application to proceed *in forma pauperis* or pay the required filing fee.

16 The Clerk of the Court is directed to send Plaintiff Jose Cruz the approved form
17 application to proceed *in forma pauperis* for an inmate and instructions for the same and
18 retain the complaint (ECF No. 1-1), but not file it at this time.

19 DATED THIS 6th day of September 2024.

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UNITED STATES MAGISTRATE JUDGE